

3 June 1981

SUBJECT: Accounting of Disclosures of Records Made to Persons or Entities Outside the Central Intelligence Agency (CIA)

REFERENCE: Memo fm OGC dtd 26 May 81, same subject (OGC 81-04296)

1. The Office of Data Processing (ODP) maintains five systems of records subject to the Privacy Act and reported in the Federal Register. Contractual relationships with hardware and software vendors providing services to CIA make it necessary for us to disclose information contained in these systems to contractors' representatives. ODP does not currently keep any purposeful or complete accounting of these disclosures. To do so would entail an unwarranted burden in carrying out legitimate administrative correspondence with contractors for the reasons stated below.

2. ODP makes no disclosures outside of CIA from two of its Privacy Systems, the ODP Training Records System and ODP's Computer Access Files. The first of these systems is used to keep track of the Agency-sponsored training completed by ODP employees. It is a computerized ready-reference data base used for local administrative functions in ODP. No disclosures outside of CIA are necessary or proper because the Office of Training and Education maintains the official record for each employee.

3. The second system, the Computer Access File, records the User Identification (USERID) and Password of every person who has access to an ODP computer through a terminal. This information is used for CIA internal security management and is therefore not disclosed outside CIA.

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4. Information concerning employees who are working or plan to work for a contractor, e.g., ██████████ etc. on an ODP contract, is maintained in the three remaining Privacy Systems. The first of these, the Applications Tracking System, keeps track of, among other things, the hours expended by staff or contractor employees on an ODP project. This data base is used as an authority file for charging ODP customers through a Project Activity Report (PAR) for the man-hours expended on an ODP project done for them. It is also used to verify the invoices of contractors for billed man-hours. This verification frequently requires a Contracting Officer's Technical Representative (COTR) to discuss with a Contractor's Representative the contents of this system of records regarding the hours reported by a contractor's employee. Because there are several COTR's in ODP with authorized access to the system, no accounting is kept of such disclosures.

To do so would require a single point of contact who would record each disclosure in a manual or computer-based log. This would not be impossible, but it seems hardly warranted by the type of disclosure concerned.

5. The second file from which disclosures are made to contractors, again by COTR's and also by ODP's Security Officer and Assistant, is ODP's Security Clearance Records. This file keeps track of the security clearances and compartmented accesses requested, in process, or granted to contractor employees. Frequent dialogue occurs between ODP employees and contractors' representatives about the status of clearances requested for contractors' employees. Again, no accounting is kept of these discussions. To gain the control necessary to do so would require that the Security Officer be the single person authorized to discuss clearances with contractors. Such a bottleneck would hamper relations with contractors.

6. The third ODP file from which disclosures are made to contractors, usually only by the Security Officer or Assistant, is ODP's Computer Room Access File. This file keeps track of which employees, Agency and contractor, have been authorized to enter ODP computer rooms. This information is used to request Special Badge Indicators from the Office of Security and to provide the computer centers with a list of authorized personnel. Contractors occasionally want to know whether one of their employees has access to a particular computer center. (This is true especially of computer maintenance personnel.) ODP has not placed any restrictions on who in ODP can provide a contractor with this information. Such restriction would be prerequisite to establishing an accurate accounting of this type of disclosure.

7. Without a clear definition of what constitutes a disclosure, ODP would find it difficult to decide what should be accounted for. ODP has taken the view that the information being discussed (disclosed) with contractors in the situations described above is necessary to the proper conduct of contractual business and therefore not subject to the accounting provisions of the Privacy Act. ODP's line of reasoning has been that the contractor, through a contractual relationship with CIA, becomes an extension of the Agency. Therefore, routine disclosures to contractor employees do not require accounting under the Privacy Act.

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O/D/ODP/[REDACTED]ee/3 June 1981

Distribution:

Orig - A/EO/DDA  
2 - O/D/ODP

OGC 81-04296

26 May 1981

MEMORANDUM FOR: See Distribution  
[REDACTED]  
[REDACTED]

FROM : [REDACTED]  
STATINTL

SUBJECT : Office of General Counsel  
Accounting Of Disclosures Of Records  
Made To Persons Or Entities Outside  
The Central Intelligence Agency (CIA)

1. To aid in a review of recordkeeping practices relating to systems of records maintained by the Agency (as defined under the Privacy Act), this Office needs to determine to what extent an accounting has been or is being maintained for each disclosure of records made to persons or entities outside the Central Intelligence Agency.

Accordingly, it is requested that you provide this Office with a brief description of the system of accounting used for such disclosures made from records systems under your cognizance. If no such accounting has been or is being maintained, then you should provide this Office with a brief evaluation of what technical steps, manpower needs and financial costs would be required to establish and maintain such a system of accounting. (In drafting your evaluation, assume the system of account will have to accurately record: (1) the date, nature and purpose of each such disclosure, and (2) the name and address of each person or entity to whom such a disclosure is made. Use your own professional judgment whether such a system of accounting can or should be automated or manual.)

2. This Office would appreciate receiving a response to this inquiry by no later than the close of business on 5 June 1981. Please feel free to call me (7521-black; 9336-red; 8255-gray) if you have any questions about this matter.

STATINTL  
[REDACTED]

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OGC 81-04296

26 May 1981

STATINTL

ODP #81-679

MEMORANDUM FOR: See Distribution  
FROM : [REDACTED]  
SUBJECT : Office of General Counsel  
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## ROUTING AND RECORD SHEET

STATINTL		SUBJECT: (Optional)			
FROM		71-00 amber DT-r		EXTENSION	NO.
[REDACTED], Esquire Office of General Counsel				7521 9336	OGC 81-04296
TO: (Officer designation, room number, and building)		DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
		RECEIVED	FORWARDED		
1. Director of Data Processing Room 2D00 DX-6 GREEN		5/07 J			
2. DD/ODP - <i>read copy</i>					<b>ODP # 81-679</b>
3. EO					<i>Action Due 6/15</i>
4.					ILLEGIB
5.					[REDACTED]
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